

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COREY JESSUP,

Plaintiff,

-against-

MEMORANDUM & ORDER
20-CV-1113 (JS) (AKT)

NASSAU COUNTY SHERIFF DEPARTMENT,
NASSAU COUNTY MEDICAL, and
NASSAU COUNTY WORKERS,

Defendants.

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APPEARANCES

For Plaintiff: Corey Jessup, pro se
2019006968
Nassau County Correctional Center
100 Carman Avenue
East Meadow, New York 11554

For Defendants: No appearances.

SEYBERT, District Judge:

On May 15, 2020, this Court (1) granted pro se Plaintiff Corey Jessup's ("Plaintiff") motion to proceed in forma pauperis, (2) dismissed his claims, and (2) granted leave to amend certain claims. (May 15, 2020 Order, ECF No. 12.) The Court warned Plaintiff that if he failed to file an amended complaint, judgment would enter without further notice and the Clerk of the Court would close the case. (Id. at 9-10.) Plaintiff did not comply with the May 15, 2020 Order, and by Electronic Order dated July 27, 2020, the Court provided Plaintiff "one final opportunity to amend his Complaint." (July 27, 2020 Elec. Order.) The Court again warned Plaintiff that "if he does not file an Amended Complaint by August

27, 2020, judgment shall enter without further notice and this case will be marked CLOSED.” (Id.) On August 24, 2020, Plaintiff filed an Amended Complaint. (Am. Compl., ECF No. 14.) By Memorandum & Order dated December 29, 2020, the Court dismissed the Amended Complaint for failure to state a claim and granted Plaintiff leave to file a Second Amended Complaint within sixty (60) days. (Dec. 29, 2020 Order, ECF No. 15.)

More than 60 days have elapsed, and Plaintiff has not filed a Second Amended Complaint nor has he otherwise communicated with the Court about this case. The December 29, 2020 Memorandum & Order was also returned to the Court and marked “DISCHARGED” and “RETURN TO SENDER.” (See ECF No. 16.) Accordingly, it appears that Plaintiff is no longer interested in pursuing this case and the Complaint is thus DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Court directs the Clerk of the Court to enter judgment accordingly, mark this case CLOSED, and mail a copy of this Order to the pro se Plaintiff at his last known address.¹

¹ It is likely that this Order will also be returned to the Court. However, like all Orders in this case, it is also posted to the Court’s Electronic Case Filing system and may be viewed there.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: March 10, 2021
Central Islip, New York